IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application for: **Art Unit:** 2155
   Avaya Technology Corp.

First Named Inventor: CHAN et al.   **Examiner:** Wang, Liangche

Appln. No.: 10/622,982   **Confirmation No.:** 2989

Filing Date: July 17, 2003

For: "Method and Apparatus For Restriction of
Message Distribution For Security"

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REPLY BRIEF
(37 CFR § 41.41)

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MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellants hereby submit this Reply Brief to the Examiner's Answer dated
October 9, 2007. Although Appellants believe that no additional fees are due at this
time, authorization to charge any necessary fees to Deposit Account No. 19-1970 is
hereby given.

STATUS OF CLAIMS

Claims 1-49 are pending in the application. Claims 32-35 have been withdrawn from consideration. Accordingly, Claims 1-31 and 36-49 are being appealed.

Claims 1, 3, 5-8, 10-11, 13-17, 19, 21-24, 26-27, 29-31, 36, 37, 39, 41-44, 46-47, and 49 stand rejected under 35 U.S.C.§102(e).

Claims 2, 4, 9, 12, 18, 20, 25, 28, 38, 40, 45, and 48 stand rejected under 35 U.S.C.§103(a).

The Claims at issue (*i.e.*, Claims 1-31 and 36-49) are set forth in the CLAIMS APPENDIX.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether Claims 12, 28, and 48 are unpatentable under 35 U.S.C.§103(a) over U.S. Patent No. 6,480,885 [hereinafter "Olivier"] in view of U.S. Patent No. 5,619,648 [hereinafter "Canale"].

Whether Claims 1, 3, 5-8, 10-11, 13-17, 19, 21-24, 26-27, 29-31, 36, 37, 39, 41-44, 46-47, and 49 are anticipated under 35 U.S.C.§102(e) by Olivier.

Whether Claims 9, 25, and 45 are unpatentable under 35 U.S.C.§103(a) over Olivier in view of U.S. Patent No. 6,654,779 [hereinafter "Tsuei"].

ARGUMENT

1. The Examiner Argues that the Combination of the Forwarding Restriction of Canale with the Mail Restriction of Olivier Makes Obvious the Claimed Forwarding Restriction

Appellants respectfully submit that the combination of Olivier and Canale, at most, teach an email distribution restriction for individuals that are not identified (*e.g.*, individuals whose profile criteria do not meet the messages acceptance criteria). This is significantly different from a forwarding restriction that (a) positively identifies whether a message can even be forwarded and/or (b) positively identifies to whom the message may be forwarded. A positively identified entity in a forwarding restriction is thus negatively impacted. In other words, the forwarding restriction negatively impacts the identified entity's ability to have the message forwarded to him/her or otherwise view the message.

Moreover, the Examiner indicates that the combination of Olivier and Canale are used to teach "automatic forwarding based on user's preselected preferences." Even if the combination of these two references does teach what the Examiner is proposing, the concern of the present invention is not automatic forwarding. Rather, the present invention allows a sender of a message to restrict which entities will be able to view the email by positively identifying such entities with a forwarding restriction. If an entity is identified in a forwarding restriction, then any recipient of the message may be restricted from forwarding the message to that positively identified entity, whereas the combination of Olivier and Canale would provide automatic forwarding of the message to presumably all entities selected by the recipient of the message, which may include the identified entity. This is in direct contrast to the present invention. There is nothing in Olivier and Canale that ultimately restricts any recipient of the message from forwarding it to the identified

entity. Olivier only positively identifies those users which *will be able to receive a message* (*e.g.*, via the acceptance criteria/user profile matching). Thus, Appellants submit that the combination of Olivier and Canale do not fairly render claim 1 obvious.

2. The Examiner Argues that Olivier Teaches the Sender Specifying a Restriction Identifier

The Examiner relies on Fig. 9 of Olivier to show that a sender can set acceptance criteria data. The problem is that the Examiner is analogizing "acceptance criteria data" with a "restriction identifier." As previously noted, a restriction identifier negatively impacts those entities that are positively identified by the identifier. In contrast, the acceptance criteria data specified by Kelly G in Fig. 9 positively identifies those entities that *will receive the message*. The specification of acceptance criteria data by the sender in Olivier will only cause the message to be sent to certain entities having a matching profile, it will not cause entities having matching profiles to be restricted from access to the message.

3. The Examiner Argues that Olivier Teaches Identifying a Recipient from a Subset of Recipients from Among a Set of Recipients

The Examiner correctly indicates that the recipients on the mail list of the message prior to filtering corresponds to "a set of possible recipients." The Examiner also correctly indicates that after filtering the recipients correspond to "a subset of recipients." What the Examiner fails to do is show is how Olivier determines whether an identified recipient is within the subset of recipients. Appellants respectfully submit that the filtering of Olivier only goes down to the granularity of a subset of recipients. Olivier does not go to the next granularity of identification of recipients

(*e.g.*, the granularity corresponding to identified recipients within the subset). Accordingly, Olivier cannot determine whether an identified recipient is within the subset of recipients corresponding to the restriction identifier.

4. The Examiner Argues that Olivier Teaches Tagging a Message with a Restriction Identifier that will Negatively Restrict Access to the Message

Although Olivier teaches including acceptance criteria in a message, Olivier does not teach tagging the message with a restriction identifier that negatively restricts access. The Examiner argues that the acceptance criteria in Olivier is similar to a restriction identifier that negatively restricts access because the claims do not provide a limitation that requires the restriction identifier to negatively restrict access. Appellants submit that such a limitation is included in the claims. More specifically, for example, claim 1 provides that if it is determined that a message comprises a restriction identifier and an identified recipient is not within the subset of recipients, then the identified recipient is not provided access to the message (*i.e.*, the restriction identifier negatively restricts the identified recipients ability to access the message).

5. The Examiner Argues that Olivier Teaches when an Identified Recipient is not Within a Subset of Recipients, not Providing the Identified Recipient Access to the Message

As noted above in argument 3, Olivier only filters message recipients to the granularity of a subset of recipients. Olivier does not further determine whether an identified recipient is within the subset of recipients and therefore does not anticipate claims 8, 17, 24, 37, and 44.

6. <u>The Examiner Argues that Olivier Teaches an Age Restriction that Specifies an Age Limit of the Message</u>

The Examiner points to the acceptance criteria and attempts to equate the age limits specified therein to an age restriction that provides an age limit for the message itself. Appellants submit that the age limits taught by Olivier only define certain acceptance criteria parameters for the message being distributed to the mail list. Olivier's age limit has no bearing on the age limit of the message itself. The age restriction of the present invention limits the age of the message, whereas the age limits of Olivier limit to whom a particular message is distributed. Accordingly, claims 10, 26, and 46 should be allowable in view of Olivier.

Appellants note with appreciation the Examiner's indication that claims 11, 27, and 47 would be allowable if rewritten in independent form. For at least the reasons elaborated upon in this brief, Appellants submit that the rejection of the pending claims in view of Olivier and combinations of Olivier and other references, should be withdrawn as the Olivier disclosure does not teach all of the elements as claimed and the remaining references cited in combination with Olivier do not overcome the shortcomings of Olivier.

Respectfully submitted,
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By: _____
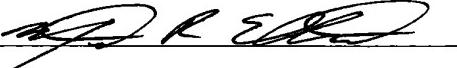
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Date: _December 10, 2007_

CLAIMS APPENDIX

1.   A method for processing an electronic message, comprising:

receiving a message from a sender, the message comprising at least one recipient to receive the message and including at least one of a restriction identifier, the restriction identifier identifying a subset of recipients from among a set of possible recipients and an access restriction indicating a subset of points of access from among a set of points of access to access the message;

determining whether each identified at least one recipient is within the subset of recipients corresponding to the restriction identifier; and wherein at least one of the following steps is performed:

(i)   when the message comprises the restriction identifier and an identified at least one recipient is not within the subset of recipients, at least one of not providing access to the message to the identified at least one recipient who is not in the subset of recipients and notifying the sender that an identified at least one recipient is not within the subset of recipients; and

(ii)   when the message comprises the access restriction and an identified at least one recipient attempts to access the message from a point of access not within the subset of points of access, not providing access to the message to the identified at least one recipient whose point of access is not within the subset of points of access.

2.   The method of Claim 1, wherein the message comprises the restriction identifier and the restriction identifier is located in a header of the message.

3.   The method of Claim 1, wherein the message comprises the restriction identifier and the restriction identifier is located in a body of the message.

4.   The method of Claim 1, wherein the message comprises the restriction identifier and the restriction identifier is located in a trailer of the message.

5.   The method of Claim 1, wherein the message comprises the restriction identifier and the restriction identifier is located in an attachment to the message.

6.   The method of Claim 1, wherein the message is received by a server associated with at least one recipient from a server associated with the sender.

7.   The method of Claim 1, wherein the at least one of the restriction identifier and an access identifier is configured as a flag.

8.   The method of Claim 1, wherein the message comprises the restriction identifier and wherein, when an identified at least one recipient is not within the subset of recipients, the step of not providing access to the message to the identified at least one recipient who is not in the subset of recipients is performed.

9.   The method of Claim 1, wherein the message comprises the restriction identifier and wherein, when an identified at least one recipient is not within the subset of recipients, the step of notifying the sender that an identified at least one recipient is not within the subset of recipients is performed.

10.   The method of Claim 1, wherein the message comprises an age restriction, the age restriction specifying an age limit of the message.

11.   The method of Claim 10, wherein the message comprises a timestamp indicating when a life of a message starts and further comprising:

comparing the expired life of the message with the age restriction to determine whether or not to delete and/or deliver the message to the at least one recipient.

12.   The method of Claim 1, wherein the message comprises a forwarding restriction indicating at least one of (a) whether the message may be forwarded and (b) to whom the message may be forwarded.

13.   The method of Claim 1, wherein the message comprises the access restriction.

14.   A computer readable medium operable to perform the steps of Claim 1.

15.   A logic circuit operable to perform the steps of Claim 1.

16.   A method for processing an electronic message, comprising:

receiving at least part of a message inputted by a user, the at least part of a message comprising at least one recipient to receive the message;

receiving, from the user, a restriction identifier for the at least part of a message, the restriction identifier identifying a subset of recipients from among a set of possible recipients ; and

when a restriction identifier is received, tagging the message with the restriction identifier.

17.   The method of Claim 16, wherein, before the message is sent to the at least one recipient, further comprising:

determining whether each identified at least one recipient is within the subset of recipients corresponding to the restriction identifier; and

when an identified at least one recipient is not within the subset of recipients, at least one of not sending the message to the identified at least one recipient who is not in the subset of recipients and notifying the user that an identified at least one recipient is not within the subset of recipients.

18.   The method of Claim 16, wherein the restriction identifier is located in a header of the message.

19.   The method of Claim 16, wherein the restriction identifier is located in a body of the message.

20.   The method of Claim 16, wherein the restriction identifier is located in a trailer of the message.

21.   The method of Claim 16, wherein the restriction identifier is located in an attachment to the message.

22.   The method of Claim 17, wherein the message is received by a server associated with at least one recipient from a server associated with the sender.

23.   The method of Claim 17, wherein the restriction identifier is configured as a flag.

24.   The method of Claim 17, wherein, when an identified at least one recipient is not within the subset of recipients, the step of not providing access to the message to the identified at least one recipient who is not in the subset of recipients is performed.

25.   The method of Claim 17, wherein, when an identified at least one recipient is not within the subset of recipients, the step of notifying the sender that an identified at least one recipient is not within the subset of recipients is performed.

26.   The method of Claim 17, wherein the message comprises an age restriction, the age restriction specifying an age limit of the message.

27.   The method of Claim 26, wherein the message comprises a timestamp indicating when a life of a message starts and further comprising:

comparing the expired life of the message with the age restriction to determine whether or not to delete and/or deliver the message to the at least one recipient.

28.   The method of Claim 17, wherein the message comprises a forwarding restriction indicating at least one of (a) whether the message may be forwarded and (b) to whom the message may be forwarded.

29.   The method of Claim 17, wherein the message comprises an access restriction indicating a subset of points of access from among a set of points of access to access the message, and further comprising:

when an identified at least one recipient attempts to access the message from a point of access not within the subset of points of access, not providing access to the message to the identified at least one recipient whose point of access is not within the subset of points of access.

30.   A computer readable medium operable to perform the steps of Claim 16.

31.   A logic circuit operable to perform the steps of Claim 16.

36.   A server for processing an electronic message, comprising:

an input operable to receive at least part of a message inputted by a user, the at least part of a message comprising at least one recipient to receive the message, and a restriction identifier for the at least part of a message, the restriction identifier identifying a subset of recipients from among a set of possible recipients; and

when a restriction identifier is received, a processor operable to tag the message with the restriction identifier.

37.   The system of Claim 36, wherein, before the message is sent to the at least one recipient, the processor is further operable to determine whether each identified at least one recipient is within the subset of recipients corresponding to the restriction identifier and, when an identified at least one recipient is not within the subset of recipients, at least one of not send the message to the identified at least one recipient who is not in the subset of recipients and notify the sender that an identified at least one recipient is not within the subset of recipients.

38.   The system of Claim 36, wherein the restriction identifier is located a header of the message.

39.   The system of Claim 36, wherein the restriction identifier is located in a body of the message.

40.   The system of Claim 36, wherein the restriction identifier is located in a trailer of the message.

41.   The system of Claim 36, wherein the restriction identifier is located in an attachment to the message.

42.   The system of Claim 36, wherein the message is received by a server associated with at least one recipient from a server associated with the sender.

43.   The system of Claim 36, wherein the restriction identifier is configured as a flag.

44.   The system of Claim 36, wherein, when an identified at least one recipient is not within the subset of recipients, the function of not providing access to the message to the identified at least one recipient who is not in the subset of recipients is performed.

45.   The system of Claim 36, wherein, when an identified at least one recipient is not within the subset of recipients, the function of notifying the sender that an identified at least one recipient is not within the subset of recipients is performed.

46.   The system of Claim 36, wherein the message comprises an age restriction, the age restriction specifying an age limit of the message.

47.   The system of Claim 46, wherein the message comprises a timestamp indicating when a life of a message starts and the processor is further operable to compare the expired life of the message with the age restriction to determine whether or not to delete and/or deliver the message to the at least one recipient.

48.   The system of Claim 36, wherein the message comprises a forwarding restriction indicating at least one of (a) whether the message may be forwarded and (b) to whom the message may be forwarded.

49.   The system of Claim 36, wherein the message comprises an access restriction indicating a subset of points of access from among a set of points of access to access the message, and wherein, before allowing access to the message by the at least one recipient, the processor is operable to determine point of access of the at least one recipient and, when the point of access of the at least one recipient is not within the subset of points of access, not allowing access to the message.